

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JOSEPH BENARD SPLUNGE,

Plaintiff,

v.

COLBY SMITH, Correctional Officer,
White County Detention Center; *et al.*,

Defendants.

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No. 4:14CV00548-SWW-JJV

ORDER

The Court has reviewed the Proposed Findings and Partial Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe. No objections have been filed. After careful consideration, the Court concludes that the Proposed Findings and Partial Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS, THEREFORE, ORDERED that:

1. Defendants' Motion for Partial Summary Judgment (Doc. No. 12) is GRANTED;
 - A. All claims against Defendant James McCoy are DISMISSED with prejudice;
 - B. Plaintiff's official capacity claims against Defendant Colby Smith are DISMISSED with prejudice.
2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

IT IS SO ORDERED this 16th day of June 2015.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE